

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	12/01/2021
Planning Development Manager authorisation:	TC	12/01/2021
Admin checks / despatch completed	ER	13/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.01.2021

Application: 20/01699/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr S Fenning

Address: St Clares School Cloes Lane Clacton On Sea

Development: Removal of conditions 7 (Ground Scheme), 8 (Ancillary Facilities) and 9 (Community Use Agreement) of approved planning application 20/00558/FUL.

1. Town / Parish Council

Clacton Non Parished.

2. Consultation Responses

Sport England
11.12.2020

App Ref: 20/01699/FUL - St Clare's School, Cloes Lane, Clacton-on-Sea, Essex (Sport England Ref: PA/20/E/TG/57204)

Thank you for consulting Sport England on the above application.

Summary: Sport England raises no objection to the proposed removal of conditions 7, 8 and 9 that were imposed on planning permission 20/00558/FUL.

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport

England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Assessment against Sport England Policy

The application involves removing conditions 7, 8 and 9 that were imposed on planning permission 20/00558/FUL. The three conditions were imposed by the District Council at Sport England's request in order to secure the delivery of the playing field mitigation proposals associated with planning permission 20/00558/FUL. It was proposed that the remaining area of the school's playing field would be made available for community use outside of school hours and to facilitate this works would be required to improve the quality of the playing field (condition 7), provide ancillary facilities for community users (condition 8) and complete a community use agreement to secure community access (condition 9). However, following planning permission being granted, St Clare's School's agent contacted all three youth football clubs in the Clacton-on-Sea area to assess their interest in using the mini football pitches on the school's playing fields. All of the clubs confirmed that they already had access to adequate football pitches and would not therefore have a current or future need to use the school's playing field for meeting their match needs. The Essex County FA subsequently contacted all three clubs and this position was verified. Consequently, Sport England advised the school that investment into the playing field and ancillary facilities to facilitate community use would not be justified as there was no longer an identified need for additional mini football pitches in the Clacton area. The school's playing fields would not be suitable for meeting community playing pitch needs other than mini soccer so it would be difficult to justify protecting them for meeting other pitch needs. This position is contrary to the conclusions of the needs assessment in the District Council's Playing Pitch Strategy (2017) which identified future deficiencies in mini soccer pitch provision. It would therefore appear that the local position on mini football pitch needs may have changed since the Playing Pitch Strategy was completed in 2017. If Sport England had been aware of this when consulted on application 20/00558/FUL earlier in 2020 then our assessment of the application would have been different. Rather than requiring the loss of part of the school's playing field to be mitigated as proposed, we would have reached a view that the area of the playing field that would be lost to the development was surplus to requirements (due to a lack of need in the area for mini football pitches) and therefore the proposal would have been considered to have accorded with exception 1 of our policy. A further justification for taking this approach on this occasion would be that the majority of the playing field would still be retained and the school's current use of it would not be prejudiced.

In view of the change in circumstances following planning application 20/00558/FUL being granted that are set out above I can now advise that it would no longer be necessary to implement the mitigation measures covered by planning conditions 7, 8 and 9. Consequently, there would not be a need to submit for approval details of the playing field enhancement works, ancillary facilities for community users or community use agreement as required by the conditions.

Conclusion

Further to the above assessment, I can therefore advise that Sport England does not wish to raise an objection to the proposed removal

of these planning conditions from planning permission 20/00558/FUL . On this occasion, the loss of part of the playing field without the implementation of the previously required mitigation measures would now be considered to accord with exception 1 of the above policy.

We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact me at the address below.

3. Planning History

00/01612/FUL	Erection of new demountable type classroom (renewal of planning permission TEN/95/0987)	Approved	06.11.2000
94/00378/FUL	(St Clares R.C. Primary School, Cloes Lane Clacton on Sea) New classroom and roof	Approved	29.04.1994
95/00987/FUL	(St Clares RC Primary School, Cloes Lane, Clacton on Sea) Erection of new demountable type classroom	Approved	26.09.1995
96/01411/FUL	() The erection of a new single storey building to accommodate 4 new classrooms and associated external works and landscaping including the extension of the existing playground and the extension of the existing	Approved	13.12.1996
97/00918/FUL	Two containers	Current	28.07.1997
05/02024/FUL	Erection of new demountable type classroom (renewal of planning permission TEN/95/0987)	Approved	30.01.2006
08/00144/FUL	Staffroom and store extensions to primary school.	Approved	03.04.2008
16/01653/FUL	Proposed single storey extension.	Approved	01.12.2016
18/30213/PREAPP	Proposed traditional built 30 place purpose built Pre-School building on the existing school site, hard standing, covered play area, screening and planting, new fence.		30.11.2018
20/00558/FUL	Proposed new nursery school.	Approved	10.08.2020
20/01657/FUL	Proposed front extension to create new entrance.	Approved	12.01.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM3 Protection of Existing Local Services and Facilities

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM7a Protection of Existing Playing Fields, Including School Playing Fields

COM8 Provision and Improvement of Outdoor Recreational Facilities

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

HP2 Community Facilities

HP3 Green Infrastructure

HP4 Safeguarded Local Greenspace

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including

the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the St Clares School site located on the western side of Hadleigh Road off Cloes Lane, Clacton on Sea. The site extends approximately 0.1 hectares in size and is currently used as playing fields by the primary school. The site is laid to grass with a palisade fence extending along the front and side boundaries. The side boundary of the site abuts the rear gardens of no.'s 1 to 11 Nayland Drive to the north west. The surrounding area is characterised with residential properties. The site falls within the development boundary of Clacton on Sea.

Description of Proposal

This application follows the previously approved full planning application under reference 20/00558/FUL for the erection of a single storey building to accommodate a new nursery school with associated landscaping.

Application 20/00558/FUL was approved subject to a number of conditions including Conditions 7 Ground Scheme, Condition 8 Ancillary Facilities and Condition 9 Community Use Agreement.

This application seeks to remove these 3 conditions from the approved development.

Assessment

The main considerations relevant to the development and this variation application remain as previously considered under planning application 20/00558/FUL, subject to any material change in circumstances;

- Principle of Development;
- Impact on Existing Recreational and Community Facilities;
- Design and Visual Impact;
- Trees and Landscaping;
- Impact on Neighbours;
- Accessibility and Highway Requirements; and,
- Representations.

Principle of development

The principle of development has been established through the granting of planning application 20/00558/FUL.

Impact on Existing Recreational and Community Facilities

The proposal results in the loss of part of the existing school playing field.

Paragraph 96 of the National Planning Policy Framework 2019 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 goes on to say that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The aims of the NPPF are contained within Saved Policy COM7a of the adopted Tendring District Local Plan 2007 and Draft Policy HP4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Sport England are a statutory consultee for a development of this nature and raise no objection to the proposed removal of conditions 7, 8 and 9 that were imposed on planning permission 20/00558/FUL. In view of the change in circumstances following planning application 20/00558/FUL being granted (comments from Sport England set out in full above) it would no longer be necessary to implement the mitigation measures covered by planning conditions 7, 8 and 9. Consequently, there would not be a need to submit for approval details of the playing field enhancement works, ancillary facilities for community users or community use agreement as required by the conditions. On this occasion, the loss of part of the playing field without the implementation of the previously required mitigation measures would now be considered to accord with exception 1 of the above-mentioned policy.

Design & Visual Impact

The application does not include any proposed amendments to the design and appearance of the previously approved scheme.

As previously concluded under planning application 20/00558/FUL the design and impact of the building is considered acceptable. The development will not appear prominent within the street scene or harmful to visual amenity.

Trees and Landscaping

There are no trees or other vegetation on the application site. The application does not include any proposed amendments to the previously approved scheme. The previously imposed landscaping condition remains outstanding. Therefore, this will be re-imposed to secure details of the proposed planting as shown on the Block Plan and 3D visualizations

Impact on Neighbours

The application does not include any proposed amendments to the previously approved scheme.

As previously concluded, the scale of the building will not result in any material loss of light or outlook to neighbouring properties and the siting and planting buffer will minimise any noise or disturbance from the proposed use.

Accessibility and Highway Requirements

Again, the application does not include any proposed amendments to the previously approved scheme and there are no objections to the development on highway safety or accessibility grounds.

Representations

The site is located within the non parished area of Clacton on Sea.

No letters of representation have been received.

Conclusion

The development was originally approved subject to conditions specifically requested by Sport England. This application relates to the removal of these conditions only to which Sport England raise no objection. The application is therefore recommended for approval subject to Conditions 1 to 6 as previously imposed (taking into account the original approval date of 10.08.2020).

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from 10.08.2020.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

0777_A_DD_02	Block Plan
0777_A_DD_03	Proposed Block Plan
0777_A_DD_04	Proposed Floor Plan
0777_A_DD_05	Proposed Roof Plan
0777_A_DD_06	Proposed NW and NE Elevations
0777_A_DD_07	Proposed SW and SE Elevations

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In order to enhance and soften the appearance of the development in the interests of visual amenity and the character of the area.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the appropriate implementation of the approved landscaping scheme in the interests of visual amenity and the character of the area.

- 5 Prior to occupation the following highway measures shall be implemented on Hadleigh Road to highlight the entrance to the Nursery School:

- The provision of 'school keep clear' road markings to Diagram. no. 1027.1 outside the main pedestrian entrance (min. length: 25.56 metres).

- On each approach to the main pedestrian entrance, 'school' warning signs to Diagram. nos. 545 and 546.

Reason - To ensure that on-street parking does not occur outside the main entrance obscuring pedestrians potentially crossing the road and highlights to passing traffic that pedestrians will be crossing within the highway in the interests of highway safety.

Note: The diagram numbers referred to above are taken from 'The Traffic Signs Regulations and General Directions 2016'.

- 6 Prior to occupation of the development hereby approved, an updated joint St Clare's School and Nursery Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

1: Essex County Council's Travel Plan team is willing to help with the preparation and the details of the Travel Plan.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

Are there any letters to be sent to applicant / agent with the decision?	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES

Sport England (as requested in their consultation response)	
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